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REMARKS

The Examiner has objected to Claim 18. Such objection is deemed avoided by virtue of the cancellation of such claim hereinabove.

The Examiner has further rejected Claims 1, 3, 4, 31, and 32 under 35 U.S.C. 112, second paragraph, in view of the use of the word "substantially." Such rejection is deemed avoided by virtue of the removal of such word from the claims.

The Examiner has also rejected Claims 1-33 under 35 U.S.C. 102(e) as being anticipated by Odagari, U.S. Patent Application Publication No.: 2001/0007817. This rejection is deemed moot in view of the amendments made hereinabove. Specifically, the subject matter of Claims 2 and 4 et al. has been incorporated into each of the independent claims.

In the latest action, the Examiner relies on the following excerpt from Odagari to meet applicant's claimed "wherein the device is configured to periodically send an identifying signal to the control unit and the control unit is configured to send a return signal to the device when the identifying signal is received by the control unit" (see the subject matter of former Claim 2 et al., or similar but not identical limitations, now incorporated into each of the independent claims).

[0019] According to still another aspect of the present invention, there is provided an information processing method comprising a transmitting step of transmitting a signal receivable only in the range of a predetermined distance to a previously assigned second information processor when a predetermined processing operation is executed in a first information processor or after passage of a predetermined period of time, a decision step of making a determination as to whether a reply signal sent from the second information processor in response to the signal transmitted in the transmitting step has been received, and a processing operation execution step of executing the predetermined processing operation depending upon the result of the determination made in the decision step.

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Applicant respectfully disagrees with this assertion. After carefully reviewing the above excerpt and the remaining Odagari reference, it is noted that such reference discloses the transmission of the signal after passage of a predetermined time period from the preceding issue of the operation command. See paragraph [0057]. This clearly fails to meet applicant's claimed periodic transmission of the identifying signal, and further *teaches away* from applicant's claimed invention.

Applicant respectfully asserts that applicant's claimed use of a periodic signal ensures improved detection of a situation where the devices are separated by the predetermined range. For these reasons, such feature is considered not only novel, but unobvious in view of the prior art of record.

Still yet, the Examiner relies on the following excerpt from Odagari to meet applicant's claimed "wherein when the device is at least partially non-functional, the device is configured to continue periodically sending the identifying signal to the control unit" (see the subject matter of former Claim 4 et al., or similar but not identical limitations, now incorporated into each of the independent claims).

[0087] Thus, a determination is made as to whether the possessor (user) of the information processor 100 is carrying the information processor 100 (or located in the vicinity of the information processor 100), and a suitable processing operation can be performed according to the possessor's (user's) carrying or non-carrying condition. In particular, when the information processor 100 is not carried by the possessor (user), it is possible to prevent the information processor 100 from annoying people in a place where the information processor exists by alerting when a signal is received. It is also possible to reduce power consumed for signal reception alert when the information processor 100 is not carried by the possessor (user).

[0088] Also, in the above-described embodiment, the changeover section 306 or 406 changes the operation of the information processor 100 between the mode of transmitting to the wristwatch type information processor 101 and the mode of not transmitting. Therefore, even if the distance to the wristwatch type information processor 101 is equal to or larger than the predetermined distance, it is possible to inhibit the predetermined operation, to make an operation command effective, and to perform alerting when a signal transmitted from an external device is received.

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Again, applicant respectfully disagrees with this assertion. After carefully reviewing the above excerpt and the remaining Odagari reference, it is noted that there is simply no mention of any sort of lock-out and/or alarm mode, during which the identifying signal is still emitted, let alone periodically emitted. Only applicant teaches and claims such a feature to determine whether the devices are within a predetermined range, even after a lock-out and/or alarm condition. This feature allows for improved recovery, etc.

The Examiner is reminded that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, the identical invention must be shown in as complete detail as contained in the claim. *Richardson v. Suzuki Motor Co.* 868 F.2d 1226, 1236, 9USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

This criterion has simply not been met by the Odagari reference. To this end, all of the pending independent claims are deemed allowable, along with any dependent claims dependent therefrom. A notice of allowance or a specific prior art showing of each of the foregoing limitations, in combination with the remaining claim elements, is respectfully requested.

Still yet, applicant brings the Examiner's attention to the following subject matter in the added dependent claims, for full consideration:

"wherein the device includes a display, the display being configured to display a message that warns that the device is at least one of lost and stolen, when the device is at least partially non-functional" (see Claim 34);

"wherein the device includes a display, the display being configured to display contact information that is capable of being used by someone who locates the

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device to identify an owner of the device, when the device is at least partially non-functional" (see Claim 35);

"wherein the device is configured to periodically send the identifying signal utilizing a period of at least one hour for accommodating an owner who rarely leaves a particular area" (see Claim 36);

"wherein the device is configured to periodically send the identifying signal utilizing a period of less than 15 minutes for accommodating an owner who travels frequently" (see Claim 37); and

"wherein the device is configured to periodically send the identifying signal as long as the device has access to power" (see Claim 38).

Again, a notice of allowance or a specific prior art showing of each of the foregoing limitations, in combination with the remaining claim elements, is respectfully requested.

Reconsideration is respectfully requested.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. Applicants are enclosing a check to pay for the added claims. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. NAI1P312).

Respectfully submitted,

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